

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 26, 2002**

**DIVISION ONE**

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J., Rico, J. (Assigned)  
and D.Nolan, Deputy Clerk.

B151513     Herbert J. Berghoff et al.  
                 v.  
                 Donald J. Gavrity, Jr. et al

Merits:

Argued by Leonard Steiner for appellants and by Michael J. Rothman for  
respondents. Cause submitted.

B151342     Sharron D. Grant-Burton  
                 v.  
                 Covenant Care Inc.

Merits:

Argued by Roksana Ghodsian for respondent. No appearance for appellant.  
Cause submitted.

B158554     Church of Christ in Hollywood et al.  
                 v.  
                 Superior Court, Los Angeles County  
                 (Lady Cage-Barile, r.p.i.)

Merits:

Argued by Christine Lockhart for petitioners. No appearance for real party  
in interest. Cause submitted.

DIVISION ONE (Continued)

B151364     Tony Mudarris et al.  
              v.  
              Los Angeles City Board of Building & Safety et al.

Merits:  
Argued by Johsua Kaplan for appellants and by Terry P. Kaufman-Macias,  
deputy city attorney, for respondents. Cause submitted.

Spencer. P.J. leaves the bench.

B148703     Leonard Rabinowitz et al.  
              v.  
              Heller Financial, Inc.

Merits:  
Argued by Gregory Mann for appellants and by Catherine D. Meyer for  
respondent. Cause submitted.

Mallano, J. leaves the bench.

B149631     Estate of Ronni W., a Minor  
              William A. Kent  
              v.  
              Phyliss Rousseau

Merits:  
Argued by William A. Kent for appellant and by Lisa Jaskol for  
respondent. Cause submitted.

Spencer, P.J. returns to the bench.

DIVISION ONE (Continued)

B143404     Brian Heron  
              v.  
              Francis A. Sparagna et al.

Merits:  
Argued by Brian Heron, appellant in pro per, by Francis Sparagna for respondents and by Daniel Faustino for real party in interest, Ivie. Cause submitted.

Mallano, J. returns to the bench.

Ortega, J. leaves the bench.

Rico, J. leaves the bench.

B144242     Carol Cooperman  
              v.  
              Scott A. Freedman et al.

Merits:  
Argued by Rebecca Weinstein for appellant and by Roy G. Weatherup for respondents. Cause submitted.

Ortega, J. returns to the bench.

Rico, J. (Assigned) returns to the bench.

Vogel (Miriam A.) leaves the bench.

Mallano, J. leaves the bench.

B150406     A. Thomas Hunt  
              v.  
              Howard Bennett

Merits:  
Argued by A. Thomas Hunt, appellant in pro per, and by James S. Link for respondent. Cause submitted.

DIVISION ONE (Continued)

Mallano, J. returns to the bench.

Rico, J. (Assigned) leaves the bench.

B153520      Douglas Turner et al.  
                 v.  
                 American Honda Motor Co., Inc.

Merits:

Argued by Douglas Turner for appellant and by Jean-Paul Menard for respondent. Cause submitted.

B150858      Robert W. Hirsh  
                 v.  
                 Julius Griffin, et al.

Merits:

Argued by Daniel C. Faustino for appellant Rolin Newkirk, and by Baruch C. Cohen for appellant Griffin et al., and by Andrew J. Stern for respondent. Cause submitted.

Rico, J (Assigned) returns to the bench.

Mallano, J. leaves the bench.

B149388      Janet S. Varner et al.  
                 v.  
                 Palmdale Chamber of Commerce et al.

Merits:

Argued by A. Donald Long for respondent. No appearance by Michael Kelly for appellant. Cause submitted.

Court adjourned.

DIVISION TWO

B153325 People v. Starr (Not for Publication)

The judgment is affirmed.

Doi Todd, J.

We concur:   Nott, Acting P.J.  
                   Ashmann-Gerst, J.

B148183      Scott      (Not for Publication)  
v.  
Gallatin Medical Corporation

The order is affirmed. Respondent's motion to strike portions of appellant's opening brief is denied. Appellant is ordered to bear respondent's costs of appeal.

Doi Todd, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B140759      Ettlinger                      (Not for Publication)  
v.  
Woodburn

The judgment is affirmed. We do not find the appeal to be frivolous or otherwise improper, and therefore deny respondent's request for sanctions. Appellant is ordered to bear costs on appeal.

Doi Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION TWO (Continued)

B150962      Diamond Jewelry                      (Not for Publication)  
v.  
Premier America Federal Credit Union

We reverse the order of dismissal with respect to the cause of action for negligence, and we require the trial court to enter a new order overruling the demurrer and granting leave to amend. We affirm the order of dismissal with respect to the cause of action for conversion. Costs on appeal are awarded to Diamond.

Doi Todd, J.

We concur:    Nott, Acting P.J.  
                  Ashmann-Gerst, J.

B136083      Pasternak                                      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Escrow Agents' Fidelity Corporation, r.p.i.)

The judgment is reversed, with directions to enter a new judgment granting a peremptory writ of mandate requiring the commissioner to set aside his denial of the receiver's appeal, and to redetermine the appeal in conformity with this decision. The parties shall bear their own costs.

Cooper, J. (Assigned)

We concur:    Boren, P.J.  
                  Doi Todd, J.

DIVISION THREE

B151328 Michael Marshall (Not for Publication)

v.

Flora Telephone Services, Inc., etc., et al.

The judgment on the first cause of action for discrimination is reversed.

The judgment is affirmed on the second and third causes of action.

Marshall is awarded costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

B149287 S.A. Manohara, et al. (Not for Publication)

v.

Medifax, Inc. a corp., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B149287 S.A. Manohara, et al. (Not for Publication)

v.

Medifax, Inc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

DIVISION THREE (Continued)

B151328      Michael Marshall                      (Not for Publication)  
                 v.  
                 Floral Telephone Services, Inc. etc. et al.

The judgment on the first cause of action for discrimination is reversed.  
The judgment is affirmed on the second and third causes of action.  
Marshall is awarded costs on appeal.

Aldrich, J.

We concur:   Klein, P.J.  
                   Kitching, J.

B130981      People  
                 v.  
                 Joaquin H. Chavez

Filed order vacating submission order of March 4, 2002. pending the  
California Supreme Court's decision in People v. Sanders (2000) 84  
Cal.App.4th 1211, review granted February 28, 2001, S094088..

DIVISION FIVE

B157121      Denson H.                                      (Not for Publication)  
                 v.  
                 The Superior Court of Los Angeles County  
                 Los Angeles County, D.C.S.

The petition for extraordinary writ is denied. Pursuant to California Rules  
of Court, rule 24(d), this opinion is made final forthwith as to this court.

Mosk, J.

We concur:   Grignon, Acting P.J.  
                   Armstrong, J.



DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B153867 People (Not for Publication)  
v.  
Molina

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

## DIVISION SIX (Continued)

B155801      People  
v.  
Pick

(Not for Publication)

The judgment (order of recommitment) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B155113      State Farm General Insurance Co.      (Certified for Publication)  
v.  
Majorino et al.

The order denying the special motion to strike under section 425.16 is affirmed. Costs are awarded to respondent State Farm.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

## DIVISION SEVEN

B153201      In re Timothy Walton  
on Habeas Corpus      (Certified for Publication)

The petition for writ of habeas corpus is denied. The temporary stay of the extradition order previously issued by this court on October 31, 2001, is hereby extended until this matter is final as to this court.

Woods, J.

I concur: Perluss, J.  
I dissent: Johnson, Acting P.J. (Opinion)

## DIVISION SEVEN (Continued)

B148328 People (Not for Publication)  
v.  
Krikor Keshishian

The judgment is affirmed.

Perluss, J.

We concur:   Johnson, Acting P.J.  
                      Woods, J.

## DIVISION EIGHT

B150255 People (Not for Publication)  
v.  
Oswaldo P.,  
In re Oswaldo P., a Person Coming Under the Juvenile Court Law.

The order sustaining the petition is reversed and the case remanded to the juvenile court for further proceedings.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.